



#10  
Election

10-21-03

P. Spruell

PATENT

Attorney Docket No. 215214  
Client Reference No. MR01080/RJ/HW0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jurgen Scholzig et al.

Application No. 10/031,157

Art Unit: 2854

Examiner: Kevin D. Williams

Filed: April 1, 2002

For: CURVE GUIDE DEVICE FOR A  
PRINTING MACHINE

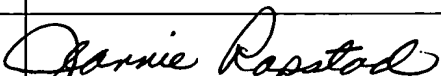
RESPONSE TO REQUIREMENT FOR RESTRICTION

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

In response to the Office Action dated September 9, 2003, Applicant hereby provisionally elects species B, subject to allowance of a generic claim. Claims 19, 20, 22 and 25-37 are believed readable on that species.

| CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8   |   |      |                 |
|---|---|------|-----------------|
| I hereby certify that this Response to Office Action and all accompanying documents are, on the date indicated below, <input checked="" type="checkbox"/> being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or <input type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office, Attention: Examiner , Art Unit , Facsimile Number . |   |      |                 |
| Name (Print/Type)   | Jeannie Rapstad   |      |                 |
| Signature   |  | Date | October 8, 2003 |

In re Appln. of Jurgen Scholzig et al.  
Application No. 10/031,157

Subject to the provisional election, Applicant hereby respectfully requests reconsideration of the requirement. While the inventions of the indicated species may be independent and distinct, the available evidence indicates that the restriction requirement is inappropriate and that the Examiner has not set forth a prima facie case in support of the restriction requirement.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (i) the inventions must be independent or distinct as claimed, and (ii) there must be a serious burden on the Examiner if restriction is not required. M.P.E.P. § 803. Consequently, as set forth in M.P.E.P. § 803: "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

In this case, it is believed that any thorough and comprehensive search conducted by the Examiner of claims of either Group would include the same areas of search regardless of primary classification. The "serious burden" test for restriction would not appear to be present.

Accordingly, it is requested that the requirement for restriction be withdrawn.

Respectfully submitted,



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Date: October 8, 2003